IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 5923 of 2007

SMT. RATAN DEVI
V/S
NARAYAN LAL & ORS.

DR. SACHIN ACHARYA, for the appellant / petitioner

Date of Order : 18.9.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner and perused the impugned orders. Learned counsel submits that he is prepared to produce original sale-deed on the next date of hearing fixed in the trial court. In my view, that ends controversy, inasmuch as by the impugned order learned trial court has only declined to vary order dated 12.07.2007, and it recapitulated in the impugned order, that the plaintiff's counsel requested that original sale-deed would be required, therefore, defendant should produce it, and if it is not in their possesion or power, should produce affidavit to that effect. Of course, in the impugned order dated 12.07.2007, it is also observed that in the event of failure to produce the original, the defence of the defendant would be struck-off.

In view of the fact that the petitioner is prepared to produce the original, obviously defence would not be struck-off.

The writ petition is accordingly disposed of. However, if on the next date of hearing, the petitioner fails to produce the original, the impugned order shall revive and the defence shall stand struck-off.

(N P GUPTA),J.

/Vijayant/